



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207091

Applicant Name: Terry Wilson

Address of Proposal: 5939 28th Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) parcels. Proposed lot sizes are: A) 5,149 square feet and B) 5,001 square feet. A portion of the existing single-family residence is to be removed.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels of land.
(Chapter 23.24, Seattle Municipal Code)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 10,150 square foot property is located toward the southern portion of the block on 28th Avenue South, between South Raymond and South Juneau Streets, in the South Seattle area. Access to the site is via 28th Avenue South, which is paved but not improved with curbs, gutters,

planter strips or sidewalks on either side of the street. There is no platted alley available to provide vehicular access. There is an existing single family residence centrally located on the parent parcel. The parcel is relatively flat, with a gentle slope downward to 28th Avenue, but is not located in any identified or designated environmentally critical area.

The subject property and surrounding lots are zoned for single family residential use with a minimum lot size of 5,000 square feet (SF 5000). Development in the area consists of one to two-story single family houses, consistent with the zoning designation.

Proposal Description

The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are as indicated in the summary. Parcels A and B both front on 28th Avenue and will have direct access to the street. The existing single family dwelling located on Parcel A shall remain, with a portion of the building that intrudes into proposed Parcel B to be removed. Proposed Parcel B will contain a side yard easement next to the dwelling on proposed Parcel A to provide a ten-foot “no build” setback per Seattle Municipal Code (SMC) Section 23.44.014.D.2, which states: “*a single family structure may extend into one (1) side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal or accessory structures on the abutting lot.*”

Public Comments

The comment period for this proposal ended on November 20, 2002. During the public comment period, DCLU received no written comments.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, Seattle Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for single family residential use with a minimum lot size of 5,000 square feet (SF 5000). The allowable density of the subject property is one dwelling unit per lot. Maximum lot coverage is 35%. Front yards are an average of the front yards of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setback is five (5) feet. Minimum rear yard setback is a maximum of twenty-five (25) feet and a minimum of ten (10) feet, depending upon the lot depth. New trees must be planted with the construction of new houses, consistent with the requirements of the City's Tree Ordinance (SMC 23.44.008.I). The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The lots are provided vehicular access to 28th Avenue South, consistent with the requirements of the Code. Parcel A has street frontage on 28th Avenue S. Parcel B has an access easement across Parcel A to reach 28th Avenue S. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued. The existing structure is connected by means of a single sidesewer to a 10-inch public sanitary sewer (PSS) located in 28th Avenue. This mainline was originally installed as a combined sewer, and as such, there are likely to be downspouts and area drains still connected to what is now considered, for purpose of new development, a sanitary sewer.

New construction with discharge to the sanitary sewer will require a sidesewer permit. Stormwater detention, with controlled release to the PSS is likely to be required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements will be made at time of building permit application.

4. One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing needs. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for owner occupied housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. The site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are four (4) coniferous trees located along the northerly portion of the site, towards the perimeter of the proposed parcel, outside of any future building footprint. These trees may be preserved, depending upon the location of the root systems and the overall health of the trees. Future construction is subject to the provisions of SMC 23.44.008 which sets forth tree replacement/planting requirements on single family lots. Thus, the proposal has been designed to maximize the retention of existing trees.
7. This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned. Add City Light easement to final plat per P.M. #240421-4-027.

2. Submit the final recording forms for approval and any necessary fees.
3. Note on the face of the plat that all trees shall remain on Parcel B until such time as future construction on each lot is approved subject to the provisions of SMC 23.44.008, which sets forth tree preservation and/or replacement requirements.

Signature: _____ (signature on file) Date: February 10, 2003

David Graves, AICP, Contract Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

JS:vr